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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,560	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3005/JEK/JJC	4000

23364 7590 01/22/2007  
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ALEXANDRIA, VA 22314

EXAMINER
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LEWIS, KIM M

ART UNIT	PAPER NUMBER
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3772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/725,560

Applicant(s)

SIGURJONSSON, GUDMUNDUR  
FERTRAM

Examiner

Kim M. Lewis

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/3/03, 7/29/04, 8/13/04 & 2/2/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Description.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed 12/3/03, 7/29/04, 8/13/04 and 2/1/05 have been received and made of record. Note the acknowledged PTO-1449 forms enclosed herewith.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "w" is missing from Fig. 2, note page 8, lines 15-17. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "86" located in Fig. 12 is not in the specification. Corrected drawing sheets

in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

Fig. 12, which represents a facing layer, is not described in the detailed description of specification;

In Figs. 25-28, projection elements appear to be indicated by reference character "57" not "56" as recited in the specification on page 34, lines 20-30 and page 35, line 4;

Page 29, line 19, "43" should read --47--;

Page 31, line 20, "43" should read --47--; and Page 32, line 28, "the needles" should read --the projection elements-- since they were previously defined as such.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.6,566,576 ("Komerska et al.").

As regards claim 15, Komerska et al. disclose a hydrocolloid foam medical dressing that anticipates applicant's presently claimed invention. More specifically, Komerska et al. disclose a wound dressing (constituted by foam layer 1) for absorbing wound exudate, comprising an absorbent foam core defining opposed proximal and distal surfaces with a plurality of discrete hydrophilic particulates enmeshed therein (note attached Fig. 3, the abstract and col. 2, lines 35-46).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,207,875 ("Lindqvist et al.") in view of Komerska et al.

As regards claims 15-18, Lindqvist et al. substantially disclose the claimed invention. More specifically, as can be seen in Fig. 2, Lindqvist et al. disclose a wound dressing (7) comprising a layer of absorbent foam (2') having proximal and distal surfaces, a pattern of substantially uniform and equally spaced apertures (6), a layer of silicone (elastomeric) skin-adhering gel (3'), which penetrates into apertures (4), thereby creating apertures gel layer (3') (note Fig. 2A), and a liquid impervious layer, vapor permeable film layer (5) (note col. 3, lines --6 and col. 4, lines 60-62) connected to the distal surface.

Lindqvist et al. fail to teach a plurality of discrete hydrophilic particulates enmeshed in the foam. Komerska et al., however, disclose a foam layer having hydrocolloid absorptive material integrally and uniformly dispersed throughout the foam in order to improve the absorptive properties of the dressing.

It would have been obvious to one having ordinary skill in the art to substitute the foam layer of Lindqvist et al. for the foam layer of Komerska et al., in order to improve the absorptive properties of the dressing of Lindqvist et al.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in that they disclose foam with fibers extending into holes

(Ruszczak et al. and Crowe) and a foam layer having an elastomeric gel thereon (Lawry).

***Allowable Subject Matter***

10. Claims 1-14 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Monday to Friday, from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kim M. Lewis

Application/Control Number: 10/725,560  
Art Unit: 3772

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Primary Examiner  
Art Unit 3772

kml  
December 21, 2006